

Serial #: 09/536,879; Inventor: John J. Haswell
In reply to Office action mailed: November 3, 2003
page 8 of 10

Remarks/Arguments

Claims 19-33 are pending in the application. Claims 19, 22, 24, 27, 29 and 32 have been amended for clarification purposes. For at least the reasons stated below, Applicants assert that all claims are now in condition for allowance.

1. 35 U.S.C. § 102 Rejections

In the previous Office Action (paper # 10), the Examiner rejected claims 19, 20, 22-25, 27, 28, 30, 32 and 33 under 35 U.S.C. § 102 as being anticipated by Halviatti (US Patent 5,475,843). In its 18 September 2003 response, Applicants argued against the rejections. In the outstanding Office Action (paper #12), the Examiner maintains the rejections. Once again, Applicants respectfully oppose these rejections. Applicants assert that not every element of every claim, as amended, is taught by the reference.

As presently amended for clarification purposes, independent claim 19 is a method for automated testing of the functionality of a computer system. This automated testing emulates various user interactions with the computer system by:

- (a) receiving a word having a **colloquial meaning**;
- (b) querying a database for the word, the database containing a plurality of words, each word having associated with it a set of one or more computer instructions which, when executed by the automation testing tool, causes the computer to perform a function that is related to the colloquial meaning of the word;
- (c) retrieving the instruction set corresponding to the word from the database; and
- (d) performing the function through use of the automated testing tool that is related to the colloquial meaning of the word;
- (e) **where the colloquial meaning of the word is understood by a general population.**

Looking at elements (a) and (e) of the claim, Applicants have clarified the language to show that each word has a **colloquial meaning** as understood by the **general population**. Such colloquial meaning indicates that the word is understood in common, familiar, informal conversation. In other words, the word has a normal, everyday,

Serial #: 09/536,879; Inventor: John J. Haswell
In reply to Office action mailed: November 3, 2003
page 9 of 10

conversational meaning. As the Examiner has pointed out, in the past version of the claim, the phrase "word having a commonly understood meaning" did not indicate amongst whom the meaning was commonly understood. For example, a group of computer scientists might reasonably understand a common meaning for the terms PUBLIC or VOID with respect to Java source code. Now, the claim states that it is not a scientific meaning of words as understood by scientists that is leveraged by the invention, but rather it is everyday, normal (**colloquial**) use and understanding of words as used by the general population.

The restriction that the word has a colloquial meaning and that the invention causes the automated testing tool to perform the action characterized by such colloquial meaning has been added throughout the claim. Through the amended language of the claims, the Examiner's argument for element (a) that terms like PUBLIC or VOID have a common meaning to computer scientists is now moot. Further, element (b)'s querying of the word in the database for an instruction set corresponding to the colloquial meaning of the word makes the Examiner's argument that "something that can be said" moot. The claim now requires that the word is not merely something that can be said, but rather something that can be said in general conversation and understood by the general population. The parent's unique ID concatenated with the GEM's own ID is not something with such a colloquial meaning.

Similarly, the remaining portions of the amended claim overcome the Examiner's assertion that the invention is taught by Halviatti since Halviatti makes no teaching of the use of colloquial words to aid in the automated testing of software. Applicants' previous response presents additional arguments showing this to be true. Such arguments are maintained by Applicants.

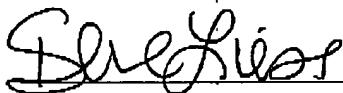
Independent claims 22, 24, 27, 29 and 32 have been amended in a fashion similar to claim 19. The remaining claims depend on one of these independent claims. Therefore, Halviatti (alone or in combination with Harel) does not teach each and every element of the invention as claimed by Applicants and therefore the rejections under sections 102 and 103 should be withdrawn.

Because not every element of every claim is taught by the Halviatti reference, the Examiner's § 102 rejections for these claims are unsupported by the art and should be withdrawn. Applicants reserve the right to offer further arguments, especially as to the dependent claims, which have not been separately discussed above.

Serial #: 09/536,879; Inventor: John J. Haswell
In reply to Office action mailed: November 3, 2003
page 10 of 10

Applicants submit that all pending claims are allowable over the art of record and respectfully requests that a Notice of Allowance be issued in this case. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at 612-607-7508. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees including fees for any extension of time, to Deposit Account No. 50-1901 (Docket 060021-355001).

Respectfully submitted,



Steven C. Lieske, Reg. No. 47,749

Customer No. 29,838

OPPENHEIMER WOLFF & DONNELLY LLP

Plaza VII, Suite 3300

45 South Seventh St.

Minneapolis, MN 55402

Phone: 612-607-7508

Fax: 612-607-7100

E-mail: SLieske@Oppenheimer.com